

RULES AND REGULATIONS OF THE
CIVIL SERVICE COMMISSION FOR
THE CITY OF FORT SMITH,
ARKANSAS
POLICE DEPARTMENT

February 28, 2013

Section 1: Civil Service Rules - Examination Policy

- 1:01 All examinations and interviews referred to in these rules shall be open and competitive, and shall be designed to test the qualifications of applicants for employment and candidates for promotion.
- 1:02 Written examinations for employment and promotion may be given for the Police Department on the first Monday in April and/or the first Monday in October of each year. Special written examinations may be given at any time deemed necessary by the Civil Service Commission. The Civil Service Commission shall meet sufficiently in advance of the date for such examinations so as to give the notice required by paragraph 1:03 of these rules.
- 1:03 At least ten (10) days before the date of any such examination that will have an effective period of one year, and at least sixty (60) days before the date of any examination that will have an effective period of longer than one year, a notice of such examination stating the date, time, location, and purposes thereof, shall be published in a newspaper having a bona fide circulation in the City of Fort Smith, and shall be posted at the Fort Smith Police Department, the Sebastian County Courthouse, and the Municipal Office Building of the City of Fort Smith. [LE 34.1.1] [LE 34.1.5]
- 1:04 The same written examination shall not be given for promotion on two successive occasions nor shall identical examinations be used for examining different positions.
- 1:05 All examinations shall be conducted impartially, and instructions pertaining to the examinations shall be made available to all candidates.
- 1:06 At least one member of the Civil Service Commission shall be present during the administration of all written employment and promotional examinations given by the Commission. The Commission shall bear sole responsibility for grading all written employment and promotional examinations. The Commission may delegate the administration of written examinations to the Director of Human Resources for the City of Fort Smith.
- 1:07 Following the administration of a written employment or promotional examination, an applicant may review his or her own test results. Requests to review the results must be made, in writing, within ten (10) days of the date of the administration of the test, to the Director of Human

Resources for the City of Fort Smith. During the review process, the applicant may not copy any test question in any form whatsoever. [LE 34.1.3.e]

1:08 As soon as is practicable after the examination, the Commission shall complete its review of the examination process and prepare the appointment or promotional eligibility list. The list shall be certified and such list shall be in full force and effect from the date of certification for such time frame as may be established by the Commission. Unless the Commission designates a longer effective period for eligibility lists that is not less than one (1) year, nor more than two (2) years, all lists for appointments or promotions as certified by the Commission shall be effective for the period of one (1) year. If, upon the date of certification, a prior eligibility list is still effective, then the certified eligibility list shall not supersede the prior list until such prior list has been exhausted for any one rank or for all ranks, or expires. [LE 34.1.6.d]

- a. If the Commission designates an effective period for the eligibility lists of more than one (1) year under this section, a person shall be eligible for examination for advancement from a lower rank to a higher rank if the person is within twelve (12) months of meeting the time in service requirements for eligibility. However, if that person takes the examination and then is placed on the eligibility list for promotion, the person shall not be promoted from the eligibility list until the person meets the minimum service time requirement in the lower rank as established by the Commission.
- b. If the period of the eligibility list is for more than one (1) year, the extended time period shall be established and certified at least ten (10) days before a component of the test is administered to an employee.
- c. After the eligibility list is certified, the effective time period for that list shall not be extended.
- d. At the expiration of this period, all right of priority under the list(s) shall cease.
- e. In the event of a tie in score for the probationary appointment list between one or more individuals, the tiebreaker will be as follows to determine seniority: 1st tiebreaker – Hired date; 2nd tiebreaker – Civil Service written test score; 3rd tiebreaker – Civil Service oral interview

score; 4th tiebreaker – Police Department oral interview score; 5th tiebreaker – physical agility examination time; 6th tiebreaker – coin flip.

- f. In the event of a tie in score for the promotional list between one or more individuals, the tiebreaker will be as follows: 1st tiebreaker – Time in current rank; 2nd tiebreaker – seniority as established in the probationary appointment list.
 - g. For ranks where there may not be openings during the effective period of a list, the Civil Service Commission may establish rules to create the eligibles list on an as-needed basis. To determine said eligibles list, the Civil Service Commission shall authorize special examinations per these rules. Said examinations are to be conducted in accordance with sections 1, 12, and 13 herein.
 - h. If the Civil Service Commission creates an eligibles list on an as-needed basis and a vacancy is created as a result of death, termination, resignation, demotion, retirement, or promotion, the Chief of Police shall notify the Civil Service Commission within five (5) business days, and the Civil Service Commission shall schedule an examination to establish an eligibles list from which an appointment or promotion shall be made unless the position is determined to be eliminated or not funded by the governing body of the City.
- 1:09 The certified eligibility list shall be posted within ten (10) days of the certification at the Fort Smith Police Department and the Municipal Office Building of the City of Fort Smith.
- 1:10 Any applicant for employment or any candidate eligible for promotion who has attempted any fraud, deception, or who otherwise attempted to gain an unfair advantage with reference to the examination process shall be ineligible for appointment or promotion respectively and shall be removed from the eligibility list. If the person attempting to commit fraud, deception, or gain an unfair advantage is a member of the Police Department, that person shall be subject to additional disciplinary action. The Police Chief shall be charged with making a finding of a violation of this rule. His/her decision regarding possible disciplinary action and/or removal from the eligibility list shall become final unless the applicant requests a hearing as established by the rules.

Section 2: Probationary Appointment Policy - Application for Employment

- 2:01 No person shall be eligible for appointment to the Fort Smith Police Department who has not arrived at the age of twenty-one (21) years.
- 2:02 Applications for employment to the Fort Smith Police Department must be received by the City of Fort Smith's Human Resources Department at least thirty (30) days prior to the date of the written Civil Service Examination. Applicants must furnish with their application the following information:
- a. A copy of their birth certificate,
 - b. A copy of their high school diploma or certificate of General Education Development (GED),
 - c. Military discharge papers, if applicable,
 - d. Valid driver's license, and
 - e. Social Security Card
- 2:03 Once the requirements of section 2:02 have been completed, applicants will be notified of (a) the date, time, and location of the written Civil Service entrance examination; and (b) the date, time, and location of the physical agility examination.
- 2:04 All applicants for employment by the Fort Smith Police Department must successfully complete the Fort Smith Police Department's physical agility examination. This examination shall replicate tasks and activities typically required to be performed by a police officer.
- 2:05 All applicants must successfully achieve a score of at least seventy (70) percent on the written entrance examination administered by the Civil Service Commission. Failure to complete successfully this examination will disqualify the applicant from further consideration for employment.

Section 3: Probationary Appointment Policy - Background Investigation

- 3:01 No person who has been convicted of a felony shall be considered for appointment to the Fort Smith Police Department.

- 3:02 No person shall be considered for appointment to the Fort Smith Police Department who has been convicted of a misdemeanor that involves a crime of theft, of violence (including domestic violence), or of drug usage.
- 3:03 Once the requirements of sections 2:04 and 2:05 have been met, the applicant will complete a thorough background questionnaire designed to be used during the applicant's background investigation conducted by the Fort Smith Police Department.

Section 4: Probationary Appointment Policy - Police Department Oral Interview

- 4:01 Applicants will submit to an oral interview conducted by the Chief of Police, or by a panel of representatives designated by the Chief of Police. The purpose of the oral interview will be to determine such things as the applicant's motivation, appearance, demeanor, attitude, ability to communicate, and suitability for the rigors demanded of a police officer. The panel will consist of five officers appointed by the Chief. Two of the officers will hold the rank of police officer, one will be a sergeant, one will be a captain, and one will be a major.
- 4:02 A record of the oral evaluation process shall be made that is adequate and in conformity with the practicalities of the situation in showing the basis of rating the interview.
- 4:03 All applicants must achieve a score of at least seventy (70) percent during the oral interview conducted by the Fort Smith Police Department. Failure to achieve this score will disqualify the applicant from further consideration of employment.

Section 5: Probationary Appointment Policy - Civil Service Commission Oral Interview

- 5:01 Applicants will submit to an oral interview conducted by the members of the Civil Service Commission. The purpose of this oral interview will be to assess the applicant's fitness, reputation, and character.
- 5:02 All applicants must achieve a score of at least seventy (70) percent on the oral interview conducted by the Civil Service Commission. Failure to

achieve this score will disqualify the applicant from further consideration of employment.

Section 6: Probationary Appointment Policy - Civil Service Hiring Eligibility List

- 6:01 All applicants who successfully complete all phases of the Civil Service hiring process, including the written and both oral examinations (as required under Fort Smith Police Department Civil Service Commission Rules 2:05, 4:03, and 5:02), shall have their names placed on a hiring eligibility list. The applicants' names shall be listed in descending order from the highest to lowest of the total aggregate score achieved on the written and two oral examinations.

Section 7: Probationary Appointment Policy - Appointment

- 7:01 When a position for probationary police officer becomes vacant, the Civil Service Commission shall certify to the Chief of Police the three (3) candidates standing highest on the eligibility list.
- 7:02 The Chief of Police will select for appointment one (1) of the three (3) candidates standing highest on the eligibility list certified by the Civil Service Commission, unless the position is not to be filled as determined by the Chief or governing body of the City of Fort Smith due to the position being eliminated or not funded.
- 7:03 After selection of an applicant, all remaining applicants, including those certified but not selected by the Chief of Police, will remain on the eligibility list.
- 7:04 The applicant selected for employment will be given notice, orally and by certified mail, that he or she is being tendered a conditional offer of employment. The applicant will also be informed that he or she has ten (10) days from receipt of the first notice to accept the conditional offer of employment and, upon failure to accept the offer, that applicant shall forfeit his or her rights under the eligibility list, unless the applicant makes written application to the Civil Service Commission within such ten (10) day period and receives, at the discretion of the Commission, additional time in which to accept the offer.

- 7:05 Upon failure of an applicant to accept a conditional offer of employment, the Chief of Police will select one from the three (3) names standing highest on the eligibility list. This procedure shall be repeated until a selected applicant from the eligibility list accepts the conditional offer of employment. The Commission shall be notified of the person accepting the offer.

Section 8: Probationary Appointment Policy - Conditional Offer of Employment

- 8:01 Once an applicant has accepted the conditional offer of employment, the applicant shall undergo a physical examination, furnished by the City of Fort Smith. The physical examination shall be conducted by a licensed physician who must certify that the applicant is in good health and is physically capable of performing the essential job functions of a police officer. The physician must also certify that the applicant should be able to see and be free of visual problems affecting visual acuity including distance, near, color, depth and peripheral factors that will affect performance of essential job functions. The weight of the applicant must also be in proper proportion to the height. Failing any part of the physical examination shall disqualify the candidate from consideration for appointment. [LE 32.2.7]
- 8:02 Once an applicant has accepted the conditional offer of employment, the applicant shall submit to a drug test provided by the City of Fort Smith. The drug test may be administered at the time of the pre-employment physical examination described in section 8:01. Refusal by the applicant to submit to the drug test will disqualify the applicant from consideration for appointment.
- 8:03 A confirmed positive drug test indicating illegal drug use will disqualify the applicant from consideration for appointment. Re-testing procedures will be consistent with the Fort Smith Police Department's Drug Free Workplace policy.
- 8:04 Once an applicant has accepted the conditional offer of employment, the applicant will be administered a polygraph examination. [LE 32.2.4]
- 8:05 An applicant appointed to a position must serve a probationary period of twelve (12) months before the appointment is complete. The Police Chief may discharge the appointee during the probationary period, for any

reason, by written notice of such discharge. All such discharged appointees may have an exit interview with the Director of Human Resources of the City of Fort Smith. [LE 32.2.10]

- 8:06 Once an applicant has accepted the conditional offer of employment, the applicant shall undergo a psychological examination, furnished by the City of Fort Smith, to determine the applicant's emotional stability. A determination of a lack of emotional stability to withstand the pressures of modern police work shall disqualify the candidate from consideration for appointment. [LE 32.2.8]

Section 9: Promotional Policy

- 9:01 No police officer shall be eligible for examination for advancement to the rank of sergeant until he or she has served no less than five (5) consecutive years sworn service from the last date of hire. Such five years shall consist of one (1) year in probationary status and four (4) years in non-probationary status. A police officer must possess a "General Certificate" issued by the Arkansas Commission on Law Enforcement Standards and Training in order to be eligible for examination for advancement to the rank of sergeant. [LE 34.1.6.c]
- 9:02 No sergeant shall be eligible for examination for advancement to the rank of captain until he or she has served no less than two (2) years in the rank of sergeant. A sergeant must possess an "Intermediate Certificate" issued by the Arkansas Commission on Law Enforcement Standards and Training in order to be eligible for examination for advancement to the rank of captain. [LE 34.1.6.c]
- 9:03 No captain shall be eligible for examination for advancement to the rank of major until he or she has served no less than one (1) year in the rank of captain. A captain must possess an "Advanced Certificate" issued by the Arkansas Commission on Law Enforcement Standards and Training in order to be eligible for examination for advancement to the rank of major. [LE 34.1.6.c]
- 9:04 Service in the lower rank on the basis of temporary appointment shall not be considered service for the purpose of determining whether an individual has served for the requisite period in the lower rank.

Section 10: Promotional Policy - Request for Testing

- 10:01 An eligible officer desiring to be examined for promotion shall submit a written request to the City of Fort Smith's Human Resources Department by the deadline, as specified on the testing announcement by Human Resources personnel.

Section 11: Promotional Policy - Physical Examination

- 11:01 Although a physical examination is not generally required as a prerequisite to promotion, the Civil Service Commission reserves the right to require any candidate for promotion to undergo a reasonable, suitable physical examination to determine whether the candidate can fulfill the physical functions and obligations of the rank to which such person has applied for promotion. Such examination may be required either before or after the promotional examination, or during the probationary period after the promotion has been made.

Section 12: Promotional Policy - Examinations

- 12:01 Promotion shall be based upon open, competitive examinations, approved and administered by the Civil Service Commission. Such examinations may include all or any combination of written examinations or oral interviews or practical examinations, including assessment centers. [LE 34.1.3.b]
- 12:02 The candidate must attain a score of at least seventy (70) percent on the approved open competitive examination process. If at any time during the promotional process, the candidate's score will not be sufficient to sustain a seventy (70) percent combined score, the candidate will be disqualified from further promotional testing and the candidate's name will be precluded from being placed on the promotional eligibility list. For assessment center testing, the company hired shall utilize its own validated scoring process to rank qualified candidates [LE 34.1.3.a] [LE 34.1.6.a]
- 12:03. Any oral interview given shall be conducted by an evaluation board comprised of a minimum of three (3) officers appointed by the Chief of Police and senior in rank to the examinee. If an oral interview is being conducted as part of an assessment center promotional process, then the

- company hired to complete the assessment center testing shall facilitate the oral interview panel. The purpose of the oral interview will be to determine the suitability for the promotion sought. [LE 34.1.3.a] [LE 34.1.3.d]
- 12:04 A record of the oral evaluation process shall be made that is adequate and in conformity with the practicalities of the situation in showing the basis of rating the interview.
- 12:05 The candidate's aggregate score shall be the total of all open competitive examinations as determined by the department head. [LE 34.1.3.a] [LE 34.1.6.a]
- 12:06 A record of the assessment testing process shall be made that is adequate and in conformity with the practicalities of the situation in showing the rating of the candidate. [LE 34.1.3.a] [LE 34.1.6.a]

Section 13: Promotional Policy - Promotional Eligibility List

- 13:01 All promotional candidates attaining a minimum combined score of seventy (70) percent on the open competitive examination shall have their name placed on a "Promotional Eligibility List". Those names on this list will be ranked in order, according to the highest total aggregate scores to the lowest total aggregate scores. For assessment center testing, the company hired shall utilize its own validated scoring process to rank qualified candidates. [LE 34.1.6.a] [LE 34.1.6.b]
- 13:02 When a position becomes vacant and subject to being filled by promotion, the Civil Service Commission shall certify to the Chief of Police the three (3) candidates (and ties) standing highest on the eligibility list for appointment to that rank of service. The Chief of Police will then select for promotion one (1) of the three (3) persons so certified. The Civil Service Commission will be notified of the selection. After promotion of the individual, all remaining candidates for promotion, including those certified but not selected, will remain on the eligibility list. [LE 34.1.6.e]
- 13:03 Promotions shall be made from the eligibility list in effect on the date the vacancy occurs, unless such list has been exhausted. Once a vacancy occurs, promotions shall be made within a reasonable period of time, giving due consideration to the administrative duties of the Police Department.

- 13:04 If a promotion has not been made within thirty (30) days after a vacancy occurs, any member of the Police Department on the current eligibility list for promotion may present a grievance to the Civil Service Commission. The grievance will be adjudicated according to the grievance procedures outlined in these rules.
- 13:05 A promotion to any rank in service other than the Police Chief shall not be deemed complete for a period of six months, and the Police Chief may reduce to his or her previously held rank any promoted member of the Department during that six months period for any reason. A written notice of such reduction in rank shall be given by the person making the reduction and such notice shall state the reasons for such action; provided, however, that such notice and accompanying reduction in rank shall not be considered as granting to the member so reduced in rank a right of hearing or trial before the Civil Service Commission or appeal therefrom nor shall the requirement of stating the reasons therefor be considered as a requirement that reduction only be for good cause. Any promoted member subsequently reduced in rank by the Police Chief pursuant to this rule shall be removed from the current eligibility list. However, nothing shall preclude the member from participation in future promotional testing so long as the member meets the minimum requirements in effect at that time.
- 13:06 Except as provided in subsection (b) below, a temporary promotion or appointment for a vacancy created by death, termination, resignation, demotion, retirement, or promotion shall not be made for longer than sixty (60) days when there is a current eligibles list.
- a. Except as provided in subsection (b) below, in the absence of a current eligibles list, a temporary promotion or appointment may be allowed for a vacancy created by death, termination, resignation, demotion, retirement, or promotion until an eligibles list is certified unless the position is determined to be eliminated or not funded by the governing body of the City of Fort Smith. A temporary promotion for a vacancy created by death, termination, resignation, demotion, retirement, or promotion shall not last longer than sixty (60) days.
 - b. If an appeal is filed in connection with a vacancy that is created by a termination or demotion, the vacancy may be filled by the Chief of Police by a temporary promotion until all appeals in connection with the termination or demotion are exhausted.

- c. A vacancy that is created by vacation, bereavement leave, medical leave, military leave, or suspension on a day-to-day basis may be filled by a temporary promotion on a day-to-day basis as vacancies occur.
- d. An increase in salary beyond the limits fixed for the grade by the rules of the Civil Service Commission may be allowed while an employee is working outside of his or her grade while temporarily promoted to fill a vacancy under this rule.

Section 14: Civil Service Rules - Discipline or Grievance Procedures

- 14:01 Members of the Police Department may be disciplined by the Chief of Police for violations of the Rules of the Civil Service Commission, the Rules and Regulations of the Fort Smith Police Department and for any other lawful purposes. Disciplinary action taken in regards to the Chief of Police shall be taken by the City Administrator.
- 14:02 Disciplinary action may include any of the following: oral reprimand; written reprimand to be placed in the employee's employment record; suspension for not longer than thirty (30) calendar days, with or without pay; reduction in rank or compensation, or discharge.
- 14:03 Any member reduced in rank or compensation (a suspension without pay shall not be considered a reduction in pay); suspended for three (3) days or more; or discharged after promotion or appointment is complete, shall first be presented with the reasons for such discharge or reduction in writing signed by the Chief of Police. In the event of disciplinary action with reference to the Chief of Police, such notice shall be signed by the City Administrator. [LE 26.1.6]
- 14:04 Any member of the Police Department or any applicant for employment who has a grievance relating to the matters covered by these Rules and Regulations may present such grievance in writing to the Civil Service Commission within ten (10) days of the date on which the alleged grounds for the grievance arose and request a hearing thereon. [LE 34.1.3.e]
- 14:05 The person so discharged, suspended, or reduced shall have the right within ten (10) days from the date of such written notice to request a trial before the Civil Service Commission. The Civil Service Commission shall within fifteen (15) days after a request for trial is made, fix a date for the trial. If a request for trial is not made within ten (10) days from the date of

service of notice, the discharge, reduction or suspension shall become final and no trial shall be granted pursuant to the provisions of Ark. Code Ann. §14-51-301 and §14-51-308. [LE 26.1.6]

14:06 The Civil Service Commission shall hold a hearing on any such grievance or upon any such request for trial. The written notification of disciplinary action, the reply to such notice, and/or the request for hearing shall constitute a part of said hearing and shall be filed with the record of the hearing. The Director of Human Resources for the City of Fort Smith shall make arrangements to have such hearings stenographically reported. No hearing provided for herein shall be construed as giving the individual involved any right of appeal to the judicial system other than is provided by law. [LE 34.1.3.e]

14:07 Any request that any member of the Civil Service Commission recuse from participating in any hearing or trial shall be submitted in writing to the Commission no later than ten (10) days prior to the scheduled hearing or trial. The written request shall state the reasons for the requested recusal and the factual basis for the request. A copy of this rule shall be provided to the grievant or their representative at the time notice is received requesting a hearing or trial before the Civil Service Commission.

14:08 After such hearing or trial the Civil service Commission shall vote publicly in open session and announce its decision and as soon as is practicable after such hearing or trial, the Civil Service Commission shall announce its decision and notice thereof shall be presented in writing to the person requesting the hearing or to such person's representative and to the City of Fort Smith's Human Resources Department. Both the City and the affected employee have the right to appeal the decision of the Commission. Any appeal taken from the Commission's decision to the Sebastian County Circuit Court shall be pursuant to the procedures set forth in Ark. Code Ann. § 14-51-308, as may be amended from time to time. [LE 34.1.3.e]

Section 15: Civil Service Rules - Reinstatement Policy

15:01 Before any member of the Fort Smith Police Department is reinstated to the Department following a leave of absence without pay for ninety (90) days or more, whether the leave of absence shall have been based upon a physical disability or otherwise, such member shall submit himself or herself to a physical examination by a licensed physician provided by the

City and obtain from the physician certification that the member is capable of performing the functions of the position to which he or she would be reinstated.

Section 16: Civil Service Rules - Miscellaneous Provisions

- 16:01 The Secretary of the Civil Service Commission, together with the Director of Human Resources for the City of Fort Smith, shall be charged with the responsibility of maintaining records of all proceedings, including examinations, of the Civil Service Commission.
- 16:02 The number of positions within the Police Department, the pay policies, and fringe benefit policies are all matters which the Civil Service Commission considers to be within the scope of authority of the governing body of the City of Fort Smith.

Section 17: Civil Service Rules - Amendment and Adopt of Rules

- 17:01 The Rules of the Civil Service Commission shall be adopted and amended only after a majority vote of the Commission.
- 17:02 Prior to the adoption of the Rules or Amendments hereto, a public hearing shall be held on such proposal. Notice of the public hearing shall be given by publication at least ten (10) days prior to the date of such public hearing in a newspaper having a bona fide circulation in the City of Fort Smith, and by posting such notice in the Fort Smith Police Department and in the Municipal Office Building of the City of Fort Smith. Such notice, as published and posted, shall state the date, time, place, and purpose of such public hearing and shall state that copies of the Rules to be considered may be inspected at the City of Fort Smith's Human Resources Department, during business hours, prior to the date of such hearing.